

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| vs. |) | Criminal No. 02-19 |
| |) | |
| |) | |
| SCOTT TYREE. |) | |

JOINT STIPULATION

This Joint Stipulation is entered into between the United States of America and defendant Scott Tyree.

Background

1. The current issue before this Court arose when Mr. Tyree requested his file from his counsel. Counsel took the precaution of reviewing the docket immediately after Mr. Tyree's request and noted that on May 13, 2008, the Court *sua sponte* issued an Order directing that specific pleadings "are to remain sealed with a copy of this Order attached to the envelope and to the file folder. Anyone desiring to view the impounded case shall file a request with the Clerk with notification to all parties. These pleadings are to remain sealed for the next 10 years.

"Documents: 123, 177, 187, 188, 189, 190, 207, 208, 210, 211 and 212."
2. Neither Mr. Tyree nor his counsel had received notice of the entry of that Order. The ECF system terminated counsel on May 17, 2005, the date that judgment was entered. Mr. Tyree never received a copy of the Order of May 13, 2008 as it was a text entry only.
3. Title 18 U.S.C. § 3509(d)(3) provides that the Court may issue a protective order to "provide for any other measures that may be necessary to protect the privacy of the child." The parties submit that the Order sought here falls within this authority.

The parties' stipulations

4. The parties agree that under Pennsylvania case law, applicable legal ethics and the Rules of Professional Conduct governing attorneys, Mr. Tyree has a proprietary interest in his entire file. Several of the impounded documents identified in the May 13, 2008 Order are included in Mr. Tyree's file that is in defense counsel's possession.
5. Mr. Tyree agrees that he will not use or disclose any of the impounded documents identified in the May 13, 2008 Order for any purpose other than legal proceedings concerning his incarceration. If any of the impounded documents are used or disclosed by Mr. Tyree, any child's name will first be redacted.
6. The parties further agree that the May 13, 2008 Order shall remain in effect until its designated expiration date.
7. On behalf of the United States, Assistant United States Attorney Stephen Kaufman agrees with this stipulation.

A proposed Order memorializing the above is attached.

Respectfully submitted,

/s/ R. Damien Schorr

R. Damien Schorr

Pa. Id. No. 62928

Attorney for defendant Scott Tyree

Dated: October 25, 2016